

FILED

DEC 18 2012

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
DeputyIN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

LEVI WOODERTS, JR.,

Plaintiff,

VS.

KAREN SUMMERS, ET AL,

Defendants.

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NO. 4:12-CV-196-A

ORDER

On November 16, 2012, plaintiff, Levi Wooderts, Jr. ("Wooderts"), filed a motion for leave to proceed in forma pauperis on appeal. The undersigned referred the motion to the United States Magistrate Judge for consideration, and the magistrate judge issued his findings, conclusions, and recommendation ("FC&R") on November 28, 2012, determining that Wooderts's motion should be denied.

The magistrate judge stated:

This appeal is from the disposition of a civil action which is subject to the fee provisions of the Prison Litigation Reform Act. Court records reveal, however, that Wooderts, as a result of previously filing frivolous suits, is barred from proceeding under 28 U.S.C. § 1915 in any civil action or appeal filed while he is incarcerated or detained unless he is in imminent danger of serious physical injury.

FC&R, at 2-3 (footnote omitted). Wooderts obtained the qualifying dismissals in this court, the United States District Courts for the Southern District of Texas, and the United States District Court for the Western District of Texas. The magistrate

judge found that Wooderts has not set forth grounds for leave to proceed in forma pauperis on appeal.

The magistrate judge gave Wooderts until December 19, 2012, to file objections to the FC&R, and Wooderts timely filed his objections on December 17, 2012. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of the magistrate judge's order to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980). The court's review finds that Wooderts's objections are without merit.

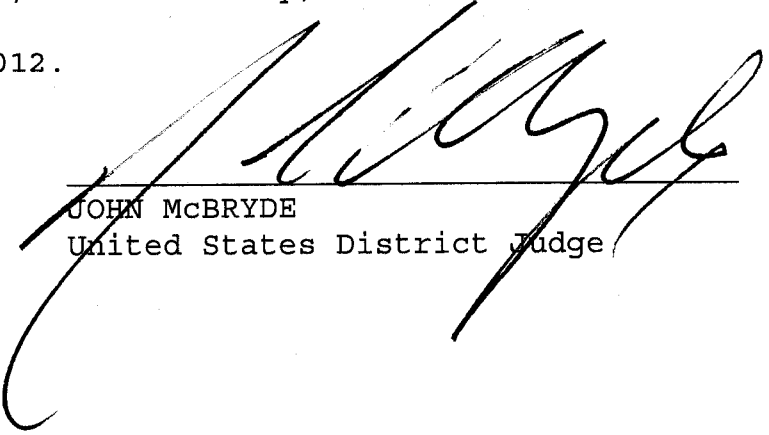
Wooderts claims he was unaware that he had obtained qualifying dismissals, and was never told in a court order that he had obtained such dismissals. The court has reviewed the cases identified in the FC&R, the dismissals of which resulted in plaintiff being barred from proceeding in forma pauperis, and concurs with the magistrate judge's conclusions concerning those cases. The remainder of Wooderts's objections are better characterized as attempts to reassert the substantive claims already dismissed by this court, and meritless complaints about the procedures and events of this case and previous cases he has filed.

Therefore,

The court accepts the recommendation of the United States

Magistrate Judge and ORDERS that Wooderts's motion to proceed in forma pauperis on appeal be, and is hereby, denied.

SIGNED December 18, 2012.



JOHN MCBRYDE  
United States District Judge